



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of V. Alston et al. )

Application No.: 10/057,513 )

Filed: January 25, 2002 )

Conf. No.: 4325 )

For: **DYNAMICALLY BRANDED** )  
**WEB SITES** )

CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8  
I hereby certify that this paper is being deposited in the  
United States mail as first class [Priority] mail with postage  
prepaid, and is addressed to:  
Commissioner for Patents, U.S. Patent and Trademark  
Office, P.O. Box 2327, Arlington, VA 22202, on

7/11/02  
Date

Michelle M. M... ..

**DECLARATION OF DAVID A. HALL IN SUPPORT OF  
PETITION UNDER 37 C.F.R. § 1.47 ACCOMPANYING SIGNED DECLARATION  
FOR PATENT APPLICATION**

1. I am a shareholder of the law firm Heller Ehrman White & McAuliffe LLP office located in San Diego, California and have been since before the filing date of January 25, 2002 in the above-identified patent application. I have personal knowledge of the facts stated herein.

2. Attached as Exhibit "A" to this Declaration is a true and correct copy of the Notice to File Missing Parts of Application mailed February 27, 2002 in connection with the above-identified application.

3. Attached as Exhibit "B" to this Declaration is a true and correct copy of the letter dated March 21, 2002 that I caused to be sent to Mr. Larry Phillips of BigMachines, Inc., the client on whose behalf the above-identified application was prepared. The enclosures to the letter included a Declaration for Patent Application and

an Assignment document. The inventors named in these documents include Victor Alston, Eric Lo, and David Chow.

4. Attached as Exhibit "C" to this Declaration is a true and correct copy of the Declaration for Patent Application I received back from BigMachines, Inc. sometime after March 21, 2002 with signatures by Mr. Lo and Mr. Chow but not from Mr. Alston.

5. On or about April 16, 2002, during a telephone conversation with Mr. Larry Phillips and Mr. Steven Tom of BigMachines, Inc., I was informed that Mr. Alston was no longer employed with BigMachines and that Mr. Alston refused to provide his signature on the Declaration for Patent Application.

6. On or about April 16, 2002, I was informed by administrative personnel of BigMachines, Inc. that the last known address for Mr. Alston was as listed below:

Vic Alston  
2751 South Norfolk Street, #212  
San Mateo, California 94403

7. Attached as Exhibit "D" to this Declaration is a true and correct copy of the letter dated May 1, 2002 that I caused to be sent to Mr. Victor Alston at his last known address, referred to above in Paragraph 6. Attached to the May 1, 2002 letter is a copy of the above-identified patent application and a copy of the blank Declaration for Patent Application, as well as an Assignment document.

8. Attached as Exhibit "E" to this Declaration is a true and correct copy of the envelope containing the papers of Exhibit D. The envelope was received at my office

and indicates that the San Mateo Post Office provided notice of delivery to Mr. Alston on May 6, 2002, May 15, 2002, and May 25, 2002. The envelope indicates that the deliveries were "unclaimed".

9. Attached as Exhibit "F" to this Declaration is a true and correct copy of a reminder copy of the May 1, 2002 letter that I caused to be sent to the last known address of Mr. Victor Alston as specified in Paragraph 5. This copy of the May 1 letter indicates that office personnel of Heller Ehrman White & McAuliffe sent the copy to Mr. Alston on May 29, 2002. As of the date of this Declaration, no response or any other communication has been received from Mr. Alston.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 10, 2002

David A. Hall  
David A. Hall